



UNITED STATES
ENVIRONMENTAL
PROTECTION AGENCY
REGION 8
999 18th STREET - SUITE 300

September 22, 2004

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Hatchet Ranch, LLC
c/o David K. Larson, Registered Agent
155 E. Pearl Street
Jackson, Wyoming 83001

Re: Administrative Order
Docket No. **SDWA-08-2004-0053**
Hatchet Café & Motel Water System
PWS ID #5600517

Dear Mr. Larson:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that Hatchet Ranch, LLC owns the Hatchet Café & Motel Water System (Hatchet Café), is a supplier of water as defined by the SDWA and that Hatchet Café has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 CFR §§ 141.21, 141.23(d), 141.201, 141.21(g)(2), and 141.31(b) for: failure to perform routine monitoring for bacteriological quality; failure to monitor for nitrate; failure to provide public notice of the violations; and failure to report the violations to EPA.

If Hatchet Café complies with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$27,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering Hatchet Café to comply.

Among other things, the Order calls for Hatchet Café to provide a public notification for certain monitoring requirements that were not met. For your convenience, we have enclosed a template form to assist you in providing the required public notice. If you have any questions or comments concerning the form of the public notice, please do not hesitate to contact Olive Hofstader of the EPA, whose telephone number is provided in the last paragraph of this letter.



Also enclosed is a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Section 22 information sheet. The SBREFA sheet notifies small businesses of their right to comment on regulatory enforcement activities, and provides information on compliance assistance. Dissemination of this information sheet does not constitute an admission or determination by EPA that your business, organization or governmental jurisdiction is a small entity as defined by SBREFA.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information can be sent to Olive Hofstader at the address on the letterhead, include the mailcode 8ENF-W, or you may call Ms. Hofstader at (800) 227-8917, extension 6467, or (303) 312-6467. If you wish to have an informal conference with EPA, you may also call or write Ms. Hofstader. If you are represented by an attorney, please feel free to ask your attorney to call Marc Weiner at the above 800 number, extension 6913, or at (303) 312-6913.

We urge your prompt attention to this matter.

Sincerely,

Melanie L. Pallman for/

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order
SBREFA
public notice template

cc: Dave Meyers, Owner
Amy Buckles, Manager
Larry Robinson, WY DEQ
Dr. Karl Musgrave, WDH





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PROTECTION AGENCY
REGION 8
999 18th STREET - SUITE 300

September 22, 2004

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Teton County Commissioners
c/o Andy Schwartz, Chair
P.O. Box 3594
Jackson, WY 83001

Re: Notice of Safe Drinking Water Act
Enforcement Action against Hatchet
Café and Motel
PWS #5600517

Dear County Commissioners:

Under the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) administers a program for promoting the safety of public water supplies. In Wyoming, the EPA enforces this program directly because Wyoming does not have primary authority for doing so. When EPA issues an administrative compliance order to a public water system in a state that does not have primary enforcement authority under the SDWA, EPA is required to notify an appropriate locally elected official. Accordingly, the purpose of this letter is to notify you that EPA is issuing an administrative compliance order to a public water system in your county.

An Administrative Order is being issued under Section 1414 of the SDWA to Hatchet Café and Motel, Moran, Wyoming. This Order requires that the public water system take measures to return to compliance with the SDWA and the National Primary Drinking Water Regulations. The System is in violation of 40 C.F.R. §§ 141.21, 141.23(d), 141.201, 141.21(g)(2), and 141.31(b) for: failure to perform routine monitoring for bacteriological quality; failure to monitor for nitrate; failure to provide public notice of the violations; and failure to report the violations to EPA.



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A copy of the Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Olive Hofstader of my staff at (303)312-6467.

Sincerely,

Melanie L. Pallman for/

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)	
)	
Hatchet Ranch, LLC)	
Moran, Wyoming)	
)	
Respondent)	
)	ADMINISTRATIVE ORDER
Proceedings under Section 1414(g))	
of the Safe Drinking Water Act,)	
42 U.S.C. § 300g-3(g))	Docket No. SDWA-08-2004-0053
_____)	

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

FINDINGS

1. Hatchet Ranch, LLC ("Respondent") is a limited liability company under the laws of the State of Wyoming as of September 16, 1993 and is therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Hatchet Café and Motel Water System (the "System"), located in Teton County, Wyoming for the provision to the public of piped water for human consumption.
3. Hatchet Café and Motel Water System regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a



“public water system” within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a “non-community water system” within the meaning of 40 C.F.R. § 141.2.

4. Respondent owns and/or operates a public water system and is therefore a “supplier of water” within the meaning of Section 1401(5) of the Act, 42 U.S.C.

§ 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141.

5. According to a July 1, 1999 sanitary survey by an agent for EPA, the System is supplied solely by a ground water source consisting of one well. The System serves approximately 200 persons per day through 4 service connections and is operational year-round.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21 requires non-community public water systems to monitor their water at least once per quarter to determine compliance with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.
2. Respondent failed to monitor the System's water for contamination by total coliform bacteria during the 3rd (July-September) quarter in 2000 and



the 4th (October-December) quarter in 2003, in violation of 40 C.F.R. § 141.21(a).

II.

1. 40 C.F.R. § 141.23(d) requires public water systems to monitor their water annually for nitrate to determine compliance with the nitrate MCL as stated in 40 C.F.R. § 141.62.
2. Respondent sampled for nitrate in March of 2004, but failed to monitor for nitrate in 2003, in violation of 40 C.F.R. § 141.23(d).

III.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any national primary drinking water regulation ("NPDWR") violations, including violations of the maximum contaminant level ("MCL"), maximum residual disinfection level ("MRDL"), treatment technique ("TT"), monitoring requirements, and testing procedures in 40 C.F.R. Part 141.
2. Respondent has provided public notice of the total coliform monitoring violations described in Section I. However, Respondent has not provided public notice of the nitrate monitoring violation detailed in the Section II, in violation of 40 C.F.R. § 141.201.

IV.

1. 40 C.F.R. § 141.21(g)(2) requires any public water system that has failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA the noncompliance detailed in Section I above, in violation of 40 C.F.R. § 141.21(g)(2).

V.

1. 40 C.F.R. § 141.31(b) requires public water systems to report any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
2. Respondent failed to report to EPA the noncompliance detailed in Sections II and III above, in violation of 40 C.F.R. § 141.31(b).

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Upon the effective date of this Order, Respondent shall comply with the requirement of 40 C.F.R. § 141.21 to perform quarterly bacteriological monitoring. Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63. Respondent shall report analytical results to EPA within the first 10 days of the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).



2. Upon the effective date of this Order, Respondent shall comply with the nitrate monitoring requirements as stated in 40 C.F.R. §141.23(d) to determine compliance with the nitrate MCL appearing at 40 C.F.R. §141.62(b). Respondent shall report analytical results to EPA within the first 10 days following the month in which sample results are received, as required by 40 C.F.R. §141.31(a).



3. No later than thirty days from the effective date of this Order, Respondent must provide public notice of the violation specified under the Findings of Violation in Section II, in this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.204 and 141.205. This notice must be given by any one of the following methods: (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system; (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice described in (1) and (2), including publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq., following any future NPDWR violation. Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R.

§ 141.31(d).

4. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.



5. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.31(b) by reporting any failure to comply with any National Primary Drinking Water Regulation (40 C.F.R. Part 141) to EPA within 48 hours.
6. Reporting requirements specified in this Order shall be provided by certified mail to:
U. S. EPA Region 8 (8P-W-MS)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order may subject the Respondent to an administrative civil penalty of up to \$27,500 per day of violation under Section 1414(g)(3)(B) of the Act, 42 U.S.C. § 300g-3(g)(3)(B), or a civil penalty of not more than \$32,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g)(3)(C) of the Act, 42 U.S.C. § 300g-3(g)(3)(C).
3. Violation of any requirement of the Act or its implementing regulations may subject Respondent to a civil penalty of not more than \$32,500 per



day of violation assessed by an appropriate U.S. District Court under
Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 22nd day of September, 2004.

David Rochlin for M. Risner

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Melanie L. Pallman for/

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
And Environmental Justice

**IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS, PLEASE CONTACT THE
REGIONAL HEARING CLERK.**

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON SEPTEMBER 22, 2004.

